

## Message Text

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ORIGIN L-02

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FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN PRIORITY

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STADIS////////////////////////////////

FOR POATS FROM HUFFMAN (L/NEA)

E.O. 11652: N/A

TAGS: USIRJCS

SUBJECT: USIRJCS

REF: TEHRAN 6083 AND PREVIOUS

1. SINCE VARIOUS USG AGENCIES WILL BE PROVIDING THEIR IRANIAN COUNTERPARTS WIDELY VARYING TYPES OF SERVICES, STANDARD AGENCY-TO-AGENCY AGREEMENT PROVISIONS PRESUMABLY SHOULD COVER ONLY IRANIAN MINISTRIES' FINANCIAL AND SUPPORT OBLIGATIONS. STANDARD PROVISIONS WOULD NOT GOVERN PRIVILEGES AND IMMUNITIES, WHICH AS CONTEMPLATED STATE 74406 (APRIL 2), WE HOPE CAN BE DEALT WITH IN SINGLE EXCHANGE OF NOTES BETWEEN EMB AND MFA. (I PROVIDED YOU WITH POSSIBLE ALTERNATIVE FORMULATIONS PRIOR TO YOUR LAST VISIT TO TEHRAN AND ASSUME YOU HAVE THEM.) OUR OBJECTIVE IS TO SECURE FOR PERSONNEL ASSIGNED TO TECHNICAL COOPERATION PROJECTS PRIVILEGES AND IMMUNITIES COMPARABLE TO EMB PERSONNEL OF SIMILAR RANK AND CATEGORY OR AT LEAST COMPARABLE TO THOSE OF ADMINISTRATIVE AND TECHNICAL STAFF. SUCH AN EXCHANGE OF NOTES WOULD RESOLVE ISSUE OF PERSONNEL'S IMMUNITY FROM IRANIAN CIVIL AND CRIMINAL JURISDICTION AND LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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LIABILITY FOR IRANIAN DUTIES AND TAXES, THEREBY ELIMINATING NECESSITY FOR TRYING TO DEAL WITH THESE MATTERS IN AGENCY-TO-AGENCY AGREEMENTS.

2. THOUGH SOME USG AGENCIES MAY BALK AT EFFORT TO ACHIEVE STANDARD PROVISIONS ON IRANIAN MINISTRIES' OBLIGATIONS, THESE OBJECTIONS PRESUMABLY CAN BE OVERCOME THOUGH PERHAPS AT SOME COST IN TIME.

3. SIMPLEST MEANS FOR STANDARDIZING PROVISIONS WOULD BE TO ESTABLISH FOLLOWING PRINCIPLES:

(A) ALL USG PERSONNEL ASSIGNED TO TECHNICAL COOPERATION PROJECTS WOULD RECEIVE PAY, ALLOWANCES, PER DIEM, ETC. IN ACCORDANCE WITH EXISTING U.S. REGULATIONS SUCH AS QTE STANDARDIZED REGULATIONS (GOVERNMENT CIVILIANS, FOREIGN AREAS) UNQTE U.S. PRIVATE SECTOR PERSONNEL WOULD RECEIVE COMPENSATION AND BENEFITS AGREED UPON IN ADVANCE BY IRANIAN MINISTRY.

(B) ALL REGULATIONS COULD BE SPECIFICALLY CITED, INCORPORATED BY REFERENCE INTO AGENCY-TO-AGENCY AGREEMENTS AND EITHER ATTACHED OR SUMMARIZED IN ANNEX.

(C) USG AGENCY WOULD PRESENT ITEMIZED BREAK DOWN OF ESTIMATED COSTS TO IRANIAN MINISTRY PRIOR TO INCEPTION OF PROJECT OR AT AGREED INTERVALS DURING LONG-TERM PROJECT.

(D) IRANIAN MINISTRY WOULD INCUR FINANCIAL OBLIGATION ONLY AFTER IT HAD FORMALLY APPROVED THESE ITEMIZED ESTIMATES WHICH COULD ALSO BE INCORPORATED BY REFERENCE INTO THE AGENCY-TO-AGENCY AGREEMENT AND ANNEXED TO IT.

(E) BENEFITS NOT COVERED BY USG REGULATIONS TO BE PROVIDED BY IRANIAN MINISTRIES COULD BE SPELLED OUT IN STANDARD ANNEX. THESE WOULD INCLUDE ADEQUATE INSURANCE COVERAGE FOR PERSONNEL ASSIGNED TO TECHNICAL COOPERATION PROJECTS AS WELL AS MINISTRIES' OBLIGATIONS TO PROVIDE QTE IN KIND UNQTE OR PAYMENT FOR LOCAL SERVICES AND FACILITIES DIRECTLY RELATED TO PROJECT IMPLEMENTATION, E.G., OFFICE SPACE, SUPPLIES, FACILITIES, SECRETARIAL, CLERICAL, LIMITED OFFICIAL USE  
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TRANSLATING, INTERPRETING SERVICES, VEHICLES, DRIVERS OR PERMITS OR OTHER TRANSPORTATION.

(F) AS CONTEMPLATED IN TCA, EACH IMPLEMENTING AGREEMENT SHOULD CONTAIN A STANDARD CLAUSE SPECIFYING THAT THE RELEVANT MINISTRY AGREES NO CLAIM WILL BE BROUGHT BY THE GOVERNMENT OF IRAN, ITS INSTRUMENTALITIES OR EMPLOYEES, AGAINST THE UNITED STATES, ITS INSTRUMENTALITIES, OR EMPLOYEES OR CONTRACT EMPLOYEES ON ANY MATTER ARISING OUT OF WORK UNDER THE AGENCY-TO-AGENCY AGREEMENT. THE MINISTRY WOULD FURTHER AGREE TO HOLD THE UNITED STATES

INSTRUMENTALITY, OFFICER, CONTRACT EMPLOYEE, HARMLESS AGAINST ANY CLAIM FOR PERSONAL INJURY, DEATH, PROPERTY DAMAGE, OR OTHER LOSS, ARISING OUT OF ACTIVITIES UNDER THE AGREEMENT.

4. PRINCIPLES A-E WOULD PROVIDE ASSURANCE THAT PAY AND BENEFITS WERE UNIFORM WHILE ALSO ENSURING THAT IRANIAN MINISTRIES WOULD ASSUME NO FINANCIAL OBLIGATIONS UNTIL THEY HAD APPROVED ITEMIZED BREAKDOWN OF THESE COSTS. IF GOI AND EMBASSY BELIEVE THESE PRINCIPLES FEASIBLE, WE CAN UNDERTAKE INTER-AGENCY CONSULTATIONS AIMED AT PRODUCING AGREEMENT UPON STANDARD TEXT OF ABOVE DESCRIBED CLAUSES IN AND ANNEXES TO AGENCY-TO-AGENCY AGREEMENTS. IN MY VIEW, THIS WILL INVOLVE A SUBSTANTIALLY GREATER INPUT FROM USG PERSONNEL MANAGEMENT EXPERTS THAN WE HAVE HAD TO DATE. INGERSOLL

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